



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

August 24, 2012

CERTIFIED MAIL: 7006 2150 0005 2458 9372

RETURN RECEIPT REQUESTED

Mr. Leslie Erickson
PO Box 1783
Fairview, NC 28730

SUBJECT: **Permit Requirements**
Les's Mulch Plus
45-05 T&P
Henderson County

Dear Mr. Erickson

On March 21, 2012, a Notice of Violation (NOV) was issued to Les's Mulch Plus. The NOV stated that by April 19, 2012, Les's Mulch Plus was required to submit in writing a documentation or full application with which to start the permit renewal process with the Section. In addition, Les's Mulch Plus was required to immediately resolve the buffer violations noted at the facility. The NOV was delivered by registered mail on March 26, 2012.

On April 3, 2012, I was on site with Mr. Erickson and Mr. Pete Henry (with The Henry Law Firm) to discuss the requirements of the NOV. At that time the facility appeared to be actively working toward resolving the buffer violations. It was requested (A. Keller) that you notify the Section when the buffer violation had been resolved in order to schedule a follow-up site inspection. Additionally, the requirements for resolving the permit expiration were outlined and it was stated (Mr. Erickson and Mr. Henry) that the facility would submit documents toward the permit renewal process. On July 11, 2012, I contacted (email correspondence) Mr. Henry and outlined the facility's failure to submit for permit renewal.

No documentation has been received at the Asheville Regional Office related to the permit renewal and/or the resolution of permit condition violations. **In order to comply with 15A NCAC 13B .0201(c) you must immediately cease accepting waste and within five business days of receipt of this report Les's Mulch Plus must supply a written response to the Permitting Branch with either a full permit renewal application or a letter of intent to halt operation. If you choose to not renew, you will have 45 days to remove all waste from the facility and to take all wastes to a facility properly permitted to receive these wastes types.** Send the written response to:

Larry Frost, Environmental Engineer
NCDENR Solid Waste Section
Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
Or via email: larry.frost@ncdenr.gov

Failure to meet this compliance schedule will result in the termination of all solid waste management at the facility and the removal of all solid waste material from the site for proper management and/or disposal. In addition, **no further intake of material is allowed at the facility** until further notified and after resolution of Permitting Branch requirements for the permit renewal process.

In addition, prior to approval of a permit renewal, the Section will inspect the facility to determine whether the **15A NCAC 13B .0203(d)** permit condition violation for buffer requirements has been resolved.

If you have any questions please contact me at (828) 296-4700 or e-mail andrea.keller@ncdenr.gov . If you have questions regarding the permit renewal requirements, please contact Mr. Larry Frost directly at (828) 296-4704 or at larry.frost@ncdenr.gov.

Sincerely,



Andrea Keller
Environmental Senior Specialist
Solid Waste Section

cc: Jason Watkins, Western District Supervisor – Solid Waste Section
Mark Poindexter, Field Operations Branch Head – Solid Waste Section
Jessica Montie, Compliance Officer – Solid Waste Section
Larry Frost, Permit Engineer – Solid Waste Section
Steve Wyatt, County Manager – Henderson County
Pete Henry, The Henry Law Firm pete@thehenrylawfirm.net